

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THEOPHILUS TARI AGEDAH,

Plaintiff

v.

U.S. DEPARTMENT OF  
HOMELAND SECURITY, et al.

Defendants

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3:20-CV-868  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 18<sup>th</sup> DAY OF SEPTEMBER, 2020, upon review of

Magistrate Judge Mehalchick's Report and Recommendation ("R&R") (Doc. 16) for clear error or manifest injustice,<sup>1</sup> **IT IS HEREBY ORDERED THAT:**

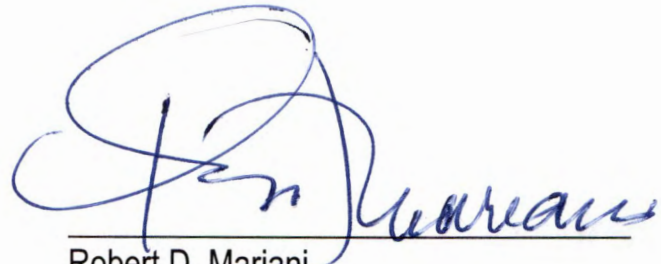
1. The R&R (Doc. 16) is **ADOPTED** for the reasons set forth therein.
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** to the right to file an amended complaint.
3. To the extent that Mr. Agedah challenges his detention and seeks release from custody, he shall file a separate petition for writ of habeas corpus.
4. Plaintiff may file an Amended Complaint within **28 days** of the date of this Order which shall consist of a single document setting forth the specific events which

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<sup>1</sup> Following the filing of Magistrate Judge Mehalchick's R&R (Doc. 16), Plaintiff filed a document entitled "Leave to Amend/Supplement Plaintiff Civil Complaint *Bivens* Action" (Doc. 17). Although the Court deems this as a response to the R&R, the document does not consist of objections thereto, but rather is construed by this Court as a request to amend the complaint in an attempt to correct the defects identified in the R&R.

serve as a basis for Plaintiff's claims, the individuals and/or entities involved in these claims, the harm suffered by Plaintiff as a result of Defendants' actions, and the relief he is seeking in this case.

5. Plaintiff's request for a "Preliminary Injunction preventing DHS/ICE from removing petitioner to Nigeria or any other African Country, or others" (see Doc. 1, at 5; Doc. 3) is **DENIED**.
6. Because this Court is granting Plaintiff leave to file an amended complaint by adopting the R&R, Plaintiff's motion entitled "Leave to Amend/Supplement Plaintiff Civil Complaint *Bivens* Action" (Doc. 17) is **DISMISSED AS MOOT**.
7. The case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings consistent with this Order.



Robert D. Mariani  
United States District Judge